

Guide to the **Section 8** Housing Program



State of New Jersey
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Guide to the **Section 8** Housing Program



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Introduction to the Section 8 Tenant-Based Assistance Program

The *Guide to the Section 8 Housing Program* is being given to you as part of your initial program briefing. It contains a great deal of information and should answer many of the questions you have regarding the Section 8 Program. Please keep it in a safe place for your future reference.

The Section 8 Tenant-Based Assistance Program administered by the New Jersey Department of Community Affairs (DCA), Division of Housing and Community Resources, is funded by the United States Department of Housing and Urban Development (HUD). The purpose of the program is to make decent, safe and sanitary housing affordable to very low-income households in the private rental market.

Households that meet eligibility requirements normally pay no more than 30 percent of their adjusted monthly income towards their monthly

rent and utility costs. The balance of the rent is paid by the program directly to the owner of the rental property.

Your program representative will play a very important role in assisting you in your efforts to receive housing assistance.

Program Representative:

Field Office Address:

Telephone Number:



Offer of Assistance

Certificates and **Vouchers** are issued based upon family size and composition. HUD requires that these “subsidy standards” are applied consistently for all households of like size and composition and that they provide for the smallest number of bedrooms needed to house a family without overcrowding.

An exception to the subsidy standard may be considered because of the age, sex, health, handicap, or relationship of household members or other individual circumstances. If an exception

from these standards is requested, your request must be in writing and it should include documentation from a recognized authority who explains the reason for the request and the conditions that warrant approval.

When you receive a **Certificate** or a **Voucher**, it means that funds are being reserved to provide housing assistance for your household. You have 60 days from the date that the **Certificate** or **Voucher** was issued to satisfy the program’s requirements.

Subsidy Standards Used by the DCA to Issue Certificates and Vouchers	
Certificate/Voucher Size	Number of Persons in the Household
0-Bedroom	1
1-Bedroom	1-2
2-Bedroom	2-4
3-Bedroom	4-6
4-Bedroom	6-8
5-Bedroom	8-10
6-Bedroom	10-12

Comparison of the Rental Certificate and the Rental Voucher Program

The DCA administers two Section 8 Tenant-Based Assistance Programs:

- ◆ **The Rental Certificate Program;** and
- ◆ **The Rental Voucher Program.**

Both of these programs provide housing assistance so that eligible households can rent privately owned housing. The programs are very similar and the following chart should assist you in deciding which form of assistance is best suited for your household's needs. If you prefer one form of assistance over the other, you may have to remain on the waiting list until that form of assistance is available.

Topic	Rental Certificate Program	Rental Voucher Program
Housing Subsidy	The DCA first calculates what the household will pay and the amount the DCA pays varies with the actual gross rent.	The DCA first calculates the maximum subsidy and what the household pays varies with the actual gross rent.
Fair Market Rents	Participants in the Rental Certificate Program MUST select a dwelling unit with a total housing cost that does not exceed the HUD-approved fair market rent. The program MAY approve a limited number of exceptions to this rent ceiling as a reasonable accommodation for persons with disabilities.	There is no Fair Market Rent limitation for the Rental Voucher Program.
Payment Standards	Payment Standards do not apply to the Rental Certificate Program.	The program determines the payment standard which is used to calculate the household's subsidy in the Rental Voucher Program. The Payment Standard may not be less than 80 percent of the Fair Market Rent or more than the Fair Market Rent.
Household Share	Participants pay the greater of 30 percent of adjusted monthly income, 10 percent of gross monthly income or \$25.00. <i>Households may not make side payments.</i>	Participants may select housing that rents for more or less than the Payment Standard and therefore may pay more or less than 30 percent of adjusted monthly income for rent and utilities. A participant must make a minimum contribution which is the greater of \$25.00 or 10 percent of gross monthly income.
Rent Increases	After a written request by the landlord, rent increases are approved by the DCA using annual adjustment factors published by HUD and a "rent reasonableness" test.	After a written request by the landlord, rent increases are not limited by an annual adjustment factor, but they are subject to a "rent reasonableness" test.

Fair Market Rent Guidelines for the Certificate Program

HUD establishes the maximum rent ceilings for the Rental Certificate Program, by dwelling unit size and geographic area. These are called fair market rents (FMR) and they include an estimate of the cost of tenant-provided utilities. The monthly rent to the owner, "contract rent," plus the utility allowance for the dwelling unit you select cannot be more than the applicable fair market rent. You will be given a copy of DCA's current ***Allowances for Tenant-furnished Utilities and other Services*** form to help you to determine if a housing unit you are interested in qualifies.

If all utilities are included in your rent, your rent cannot exceed the fair market rent. If you are responsible for any of the utilities, a utility allowance is added to your contract rent to determine the "total housing cost." In this case, the contract rent plus the utility allowance must be no more than the fair market rent.

Example of Total Housing Cost Calculation where the FMR = \$655:

Contract rent	\$ 600
Utility allowance	+ \$37 (for cooking gas and electricity)
Total housing cost	\$ 637

This dwelling unit meets the program requirements of the Rental Certificate Program because the total housing cost (\$637) does not exceed the established FMR of \$655.



The Voucher Program Payment Standard

Unlike the Rental Certificate Program, the Rental Voucher Program does not have a fixed rent ceiling. To determine the amount of housing assistance, the program has established a payment standard schedule.

Households are given the opportunity to search for housing with a total housing cost that may be less than or greater than the payment standard. The household's portion of the monthly rent will depend upon the total housing cost of the dwelling unit that is chosen.

For example, if you find housing with a total housing cost that is less than the payment standard, you will pay less than 30 percent of your adjusted monthly income. If the total housing cost is more than the payment standard, you will be required to pay more than 30 percent of your adjusted monthly income. Your minimum contribution towards rent and utilities, however, will be the greater of \$25.00 or 10 percent of your total monthly income.

Basic Program Requirements

In order to receive housing assistance, there are some important requirements that you need to understand.

The dwelling unit which you select must meet federal housing quality standards (HQS). Any type of rental housing that meets these standards may be considered. A suitable dwelling unit is:

- In good condition;
- Free from health and fire hazards; and
- Large enough to meet the occupancy standards of the program.

You will be given a copy of two HUD brochures: ***A Good Place To Live*** and ***Protect your Family From Lead In Your Home*** to help you identify a suitable dwelling unit.

You and the prospective landlord are required to sign a ***Request for Lease Approval*** form. An example of this HUD-form is included in this booklet and you may submit only **ONE Request for Lease Approval** form at a time.

You and the landlord are required to enter into a lease agreement that complies with program requirements. A copy of program's model lease/lease addendum will be given to you.

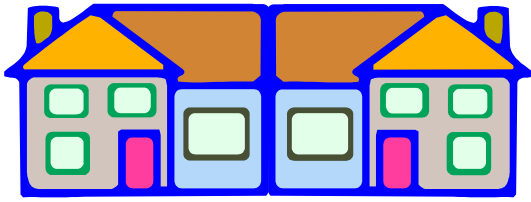
A contract between the landlord and the DCA must be signed. This contract is called the Housing Assistance Payments (HAP) Contract and it guarantees the landlord that a portion of your rent will be paid by the program each month.



Housing Search Period

Your ***Certificate*** or ***Voucher*** is valid for 60 days. This means that you and a prospective landlord must sign a ***Request for Lease Approval*** form before the end of this period. If you have not located suitable housing within 60 days, your program representative may authorize an extension of your ***Certificate*** or ***Voucher*** for an additional 30 days. Program regulations permit a maximum of two 30-day extensions or a total of 120 days to conduct your housing search.

You must request an extension in writing, and submit it to your program representative at least five days prior to the expiration date on the ***Certificate*** or ***Voucher***. An extension will not be granted unless you have made a sincere effort to locate suitable housing. If you are unable to find housing within the allocated time, your ***Certificate*** or ***Voucher*** will expire. Should your ***Certificate*** or ***Voucher*** expire, ask your program representative if it is possible for you to reapply.



Finding Suitable Housing

You may receive housing assistance in your present housing if:

- Your housing meets the program's housing quality standards;
- Your housing unit is large enough for a household of your size; and
- Your landlord is willing to participate in the program.

Generally, the dwelling unit must contain at least one bedroom or living/sleeping room of appropriate size for each two persons. Persons of opposite sex, other than husband and wife or children under the age of seven, are not required to occupy the same bedroom or living/sleeping room.

Your program representative will determine if your present dwelling unit meets these requirements and will contact your landlord about completing the necessary program forms.

Relocating to New Housing

If your present housing does not meet program requirements, or you wish to relocate, you are responsible for finding a suitable dwelling unit. Your program representative will assist you in your housing search by referring you to participating landlords who have vacancies. If your household includes a disabled person, you will be given a current listing of accessible units known to the program.

The best place to look for vacancies is in the local newspaper that covers the area where you wish to reside. Listings of available housing are also found on public notice boards in laundromats, grocery stores and neighborhood service centers. Real estate agencies that charge a fee for showing their listings are generally not recommended. There are, however, some rental agents who may be useful in locating housing. If you should decide to use the services of an agency that charges a fee to help you find housing, you will be responsible for the expense.

When you find an advertisement for a vacancy, call the telephone number listed. Questions that you should ask are:

- How much is the rent?
- Which utilities will I be responsible for?
- What is the condition of the dwelling unit?
- Are the stove and refrigerator provided?
- How many bedrooms does the dwelling unit have?
- Is the housing located close to public transportation, centers of employment, schools and shopping?
- Are there special restrictions, such as a no pet provision?

Relocating...continued

In addition, you should write down the complete address of the dwelling unit and the name, address, and phone number of the owner or manager.

When you have obtained enough information to be sure that the dwelling unit might be suitable for your household, ask for an appointment to see it. Be prompt for the appointment. If you cannot keep it, call to reschedule. Remember that the time you have to locate housing is limited and that good rental housing will be rented very quickly.

Your program representative will explain the Section 8 Tenant-Based Program to the landlord and will also arrange for the inspection of the housing. If the dwelling unit meets program requirements and the landlord agrees to participate in the program, your program representative will coordinate the necessary paperwork. These documents will then be submitted to the program's central office for final approval. If these documents are approved, you will receive a copy of the lease agreement, and a written notice of the amount of the rent that you are required to pay, and the effective date of the housing subsidy. These papers should be kept in a safe place.

Regional Mobility and Portability of Assistance

The Department of Community Affairs continues to expand the number of landlords participating in the Section 8 program. Our goal is to increase the number and the diversity of neighborhoods where Section 8 Program participants can live. You are encouraged to move to low-poverty neighborhoods that offer high-quality housing, education and employment opportunities.

Your Field Representative will help you to identify available housing in a number of neighborhoods, and will assist you by providing directions, maps and community and neighborhood information for areas to which you may wish to move.

Our Section 8 Program works closely with a large number of other Section 8 Programs in New Jersey and in other states. If you and your family wish to relocate with your Section 8 Certificate or Voucher, our office will help you by working with other housing agencies in areas where you wish to move.

Your family may want to receive housing assistance in another county within New Jersey or move to another state. If you wish to make such a move, you should discuss this with your Field Representative. They will explain where you can move. You will be required to identify the community you are interested in moving to, and give the name and address of the Section 8 Housing Program that serves that community.

If you are already receiving Section 8 housing assistance, you are required to provide proper notice to your landlord and to the program of your intent to relocate in accordance with your lease agreement.

Mobility...continued

When we receive this information, the program will send the necessary information to the Section 8 Program in the area where you will be relocating. You will receive a copy of the letter mailed to that program. When you receive the letter, you should contact that Section 8 Program immediately. They will inform you about how the program works in their area.

Because of the amount of work involved to transfer your Section 8 assistance from one agency to another, an interruption in your Section 8 rental assistance is possible. Be sure to prepare for this by budgeting so that you can pay for rent, moving expenses and security deposit for your new housing.

Information the Program May Provide to a Landlord

In accordance with program regulations, a prospective landlord will be given a household's current address and the address of the household's current and prior landlord, if known by the program. Participating owners will be provided with the forwarding address of their former Section 8 tenants if the program has the information. Other information regarding the household will not be disclosed or released outside of HUD, except as permitted or required by law.



Discrimination in Housing

As a resident or citizen of the United States, you are entitled to equal housing opportunity regardless of race, color, creed, sex, national origin, ancestry, handicap, familial or marital status. The following constitutes discriminatory acts when the reasons are based on membership in one of the protected classes listed above:

- Refusing to rent or sell property;
- Discriminating in terms or conditions for buying or renting housing;
- Discrimination in advertising available housing; or
- Denying that housing is available for inspection, rental or sale when it actually is.

If you believe you have been discriminated against, you should complete a copy of the housing discrimination complaint form which is included in this booklet. The form may be mailed or taken in person to the HUD regional office listed on the back of the form. You can obtain assistance in learning about the Fair Housing Act or in filing a complaint by calling the toll-free Fair Housing Complaint Hotline at 1-800-669-9777. Hearing impaired persons may call (TDD) 1-800-927-9275.

You are encouraged to also contact the New Jersey Department of Law and Public Safety, Division of Civil Rights for assistance at the following regional offices:

Atlantic City	(609) 441-3100
Camden	(609) 757-2850
Newark	(973) 648-2700
Paterson	(973) 977-4500
Trenton	(609) 292-4605

Obligations of the Household

There are specific obligations that you must comply with as a participant of the program. These obligations are part of the program regulations and are included in the **Certificate** or the **Voucher** or the **Statement of Family Responsibility** form that was issued to you. Your program representative will review them with you. Failure to comply with these obligations is grounds for denial or termination of assistance.

The household must:

1. Sign an **Authorization for the Release of Information** form, supply any information, or documentation that the program determines to be necessary in the administration of the program;
2. Provide true and complete information to the program;
3. Disclose and verify social security numbers;
4. Correct a breach of the housing quality standards caused by the household;
5. Allow the program to inspect the dwelling unit at reasonable times and after reasonable notice;
6. Notify the program and the owner before the household moves out of the dwelling unit, or terminates the lease with written notice to the owner;
7. Promptly give the program a copy of any owner eviction notice;
8. Use the assisted unit solely for residence by the household members listed on the most recent **Certification of Household Composition** form, and as the household's only residence. The visitation of a guest is limited to a maximum of 30 days during the one year certification period;
9. Promptly inform the program of the birth, adoption or court-awarded custody of a child. The household must request the program's approval to add any other household member as an occupant of the assisted unit;
10. Promptly notify the program if any household member no longer resides in the assisted unit; and
11. Promptly notify the program of absence from the assisted unit.

The household must not:

1. Commit any serious or repeated violation of the lease;
2. Sublease, or rent the assisted unit, or any part of the assisted unit;
3. Assign the lease or transfer the assisted unit;
4. Own or have any interest in the dwelling unit, except that of a household assisted in cooperative housing or a mobile home where the household leases the pad;
5. Commit fraud, bribery or any other corrupt or criminal act in connection with the Section 8 Housing Program;
6. Engage in drug-related criminal activity, or violent criminal activity; or
7. Receive Section 8 tenant-based assistance while receiving another housing subsidy.



Grounds for Denial or Termination of Assistance

The Section 8 Tenant-Based Program may deny assistance for an applicant or terminate assistance for a participant for any of the following reasons:

1. If the household violates any obligation under the Section 8 Tenant-Based Program.
2. If any member of the household has ever been evicted from public housing.
3. If a housing agency has ever terminated assistance under the certificate or voucher program for any member of the household.
4. If any member of the household commits drug-related criminal activity or violent criminal activity.
5. If any member of the household commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
6. If the household currently owes any monies to the program, or to another housing agency, in connection with Section 8 or public housing assistance under the United States Housing Act of 1937.
7. If the household has not reimbursed the program, or another housing agency, for amounts paid to an owner under a Housing Assistance Payments Contract for rent, damages to the unit, or other amounts owed by the household under the lease.
8. If the household breaches an agreement to pay amounts owed to the program or to another housing agency.
9. If a household participating in the Family Self-Sufficiency (FSS) Program fails to comply, without good cause, with the household's FSS contract of participation.
10. If the household has engaged in or threatened abusive or violent behavior toward program personnel.

If you owe monies, as described above, the program may, at its discretion, offer you the opportunity to enter into an agreement to reimburse the program. The program will prescribe the terms and conditions of the agreement and will deny or terminate assistance for a breach of the agreement.

Your Right to an Informal Hearing



You have the right to request an informal hearing if you disagree with the program over the following:

1. The calculation of your total tenant payment or tenant rent.
2. A determination of the appropriate utility allowance, if any, for tenant-paid utilities from the program's utility allowance schedule.
3. The determination of the number of bedrooms entered on the **Certificate** or the **Voucher** issued to you.
4. A determination by the Rental Certificate Program that your assisted unit has a larger number of bedrooms than appropriate under the program's subsidy standards, or the denial of your request for an exception to these standards.
5. A decision to terminate your assistance because of your household's actions or failure to act.

An informal hearing must be requested in writing within ten days of the decision in question. Address your request to: Division of Housing and Community Resources, Hearing Coordinator, P. O. Box 051, Trenton, N.J. 08625-0051. Include in your letter, your name, address, telephone number and the reason why you are requesting an informal hearing. The hearing process will afford you with the opportunity to present evidence and witnesses in support of your position. At your own expense, you may be represented by a private attorney. If you cannot afford representation, check with Legal Services to find out if you qualify to be represented by one of their attorneys.

Frequently Asked Questions



Do I have to pay a security deposit?

Your landlord may collect a security deposit from you in accordance with New Jersey law.

Make sure you get a receipt for your security deposit.

The lease agreement will identify the bank where the security deposit is being held in an interest-bearing escrow account.

If your security deposit is not sufficient to cover amounts owed under the lease for unpaid tenant rent, tenant caused damages and/or vacancy loss, the owner may take legal action to collect the balance from you.

How do I pay my portion of the rent?

You are responsible for paying your share of the rent, which is known as the “tenant rent,” directly to your landlord.

You must pay, by the first of the month, the amount stated as tenant rent on your copy of the lease agreement or the notification letter from the program.

When utility costs are not included in the rent, you will have to pay your share of the rent and the monthly utility bills for which you are responsible.

Failure to pay your share of the rent, or having your utilities shut-off for nonpayment, may cause you to be evicted and will jeopardize your participation in the program.

The DCA will pay its share of the contract rent directly to your landlord at the beginning of each month. You are not responsible for the program’s portion of the rent while the lease and contract are in effect.

When can the landlord increase the rent?

On the anniversary date of the Housing Assistance Payment Contract, the landlord is allowed to increase the rent according to applicable federal regulations or municipal ordinances.

Rent increases may be approved that reflect actual increases in property taxes, utility rates, or similar costs.

You must contact your program representative if you receive any notification from the landlord that a change in the rent is requested.

Your program representative will advise you of the effect that a rent increase will have on your portion of the rent.

What do I have to do to stay in the program?

Comply with ***all*** the *Obligations of the Family* listed on the ***Certificate*** or the ***Voucher*** issued to you and in this booklet.

At the end of each annual certification period, your occupancy under the lease and contract may be continued as long as all program requirements are satisfied.

You will receive advance written notice of the need to reexamine your eligibility and reinspect your housing.

Your household’s eligibility for the program will be reexamined and all household income will be reverified.

Your assisted housing unit will be reinspected annually and it must continue to meet the federal housing quality standards.

What changes must I report to the program?

You MUST report, in writing, to your program representative any change in the size or composition of your household. You must send this notice within 10 days of the change.

Your household’s portion of the rent may either be increased or decreased to reflect a change in the size or composition of your household.

Frequently Asked Questions...continued

A decrease in Tenant Rent will only take effect after all income sources of the household are reverified by the program.

What if I want to move?

You may move after the first year of the term of your lease. You must stay in your unit for one year unless there are special circumstances that threaten your health and or safety.

You **must** give advanced written notice to your landlord to end your lease. Your lease will tell you how many days notice you must give - it could be 30 or 60 days. You **must** send a copy of the notice to your program representative.

You will lose your housing assistance if you move without giving your landlord AND your program representative proper notice.

A tenant who willfully causes damage to an assisted unit may be terminated from the program.

What if I have a problem with my landlord?

If you have a complaint about your tenancy, notify your landlord in writing and keep a copy for your own records.

You may obtain legal advice by contacting your local Legal Services agency. Check the telephone directory for the Legal Services office nearest you.

The Office of Landlord/Tenant Information at the New Jersey Department of Community Affairs is another resource for information. They may be contacted by calling 609-292-4174 or by writing to the Office of Landlord/Tenant Information, P.O. Box 805, Trenton, New Jersey 08625.

Your program representative should be advised if the problem remains unresolved.

Under no circumstances should you withhold your portion of the rent without notifying your program representative.

Am I responsible for damage to the property?

You are responsible for maintaining your housing in good condition.

Tenants, or their guests, who willfully or through neglect cause damages to an assisted unit may be determined ineligible for continued program participation.

What if my landlord wants to evict me?

A landlord may recover possession of rental housing by consent of the tenant, or through the legal process of eviction.

A "self-help" eviction, that is, entry into a dwelling unit and removal of tenants without their permission or without a judgement from a court is an unlawful act in New Jersey.

A landlord may evict a tenant if the landlord can prove, in court, that one of the good causes listed in the New Jersey Anti-Eviction Act has occurred.

A participant, whose landlord has just cause for eviction, may be denied continued program eligibility.

Unit-Based Assistance Program

The DCA also administers two Section 8 Unit-Based Assistance Programs:

- n The Project-Based Certificate Program; and
- n The Moderate Rehabilitation Program.

These programs are the same as the Rental Certificate Program except that the subsidy is tied to the building rather than the household. This means that you can not transfer your housing assistance to another unit. Once you are leased, you will pay the greater of 30 percent of your adjusted monthly income, 10 percent of your gross monthly income or \$25.00 towards the monthly rent and utility costs.

The owner of the rental property has the final say on who lives in the unit. Should you decide to move, you may NOT take your housing assistance with you. All of the “obligations” for households in the tenant-based program apply to participants in these unit-based housing programs. Your program representative will give you more specific details if you seek participation in these programs.

Additional Information

You will also be given the following items:

- ***A Good Place to Live!***;
- ***Protect Your Family From Lead in Your Home***;
- The program’s current utility allowance schedule;
- The HUD required lease addendum; and
- Information regarding the Family Self-Sufficiency (FSS) Program.